



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 10, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Daniel J. Bryant *DJB*
Assistant Attorney General

SUBJECT: Weekly Report for December 10 - December 21, 2001

NEXT WEEK

- While it appears likely that the Senate and House will be in session, no hearings, briefings, or significant legislative actions have yet been scheduled due to the uncertainty of the Congressional schedule.

THIS WEEK

- **Nominations:** The Senate Judiciary Committee held a hearing on the nomination of David L. Bunning, to be a United States District Judge for the Eastern District of Kentucky, on December 10 and may hold a hearing on the nomination of Robert Flores, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention, this week as well. (Scott-Finan)
- **NextWave:** On December 11, Jody Hunt, Counsel to the Deputy Attorney General, will testify before the House Energy and Commerce Subcommittee on Telecommunications and the Internet at a hearing on the NextWave Wireless Licenses. (Wilson)
- **PENTTBOM Investigation:** On December 12, the Senate Foreign Relations Committee will hold a hearing on Al Qaeda. In light of Department security concerns about producing a witness from the embassy bombing case, the Department and FBI will provide alternative testimony and exhibits to illustrate the worldwide threat posed by Al Qaeda. (Walter)
- **Intelligence Authorization Act for Fiscal Year 2002:** Floor action in the Senate on the conference report bill is expected by December 12, although the Senate and House Armed Services Committees reportedly have expressed unhappiness with the funding level as adversely affecting other DoD activities. In response to Committee requests, the Department provided language on the four FISA provisions included in the report. (Walter)

- **Prosecutorial Deliberations:** On December 13, the House Government Reform Committee will hold a hearing on the FBI's handling of informants in Boston, with particular reference to the Committee's subpoena for internal Department deliberative documents reflecting prosecutorial decision-making regarding certain Boston crime figures and others, as well as the Department's defense of civil lawsuits filed in connection with this matter. The Department's witness is uncertain at this time because Assistant Attorney General Michael Chertoff will be unavailable to testify on that date.

[REDACTED] (F. Burton)

LAST WEEK

- **DOJ Strategic Plan and FBI Reorganization Plan:** Last week, Justice Management Division representatives conducted briefings on the Department's strategic plan for the Senate Judiciary Committee. Senate Intelligence Committee staff were briefed on both plans on December 7; House Intelligence Committee staff will be briefed on both plans on December 11. (Walter)
 - **Detainees:** The Senate Judiciary Committee (Senator Feingold chairing) held a hearing on December 4, on issues related to detainees. Viet Dinh, Assistant Attorney General for the Office of Legal Policy, testified. (O'Brien)
 - **COPS:** On December 5, Viet Dinh, Assistant Attorney General for Legal Policy, testified before the Senate Judiciary Committee regarding the COPS program. (Bernhardt)
 - **Long-term Implications of Homeland Security Needs:** On December 5, Commissioner Ziglar testified before the House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources on their abilities to meet the needs of the INS's law enforcement mission in the wake of the September 11th attacks. Representatives from the DEA, FBI, Coast Guard, and Customs testified. (D. Burton)
 - **Nominations:** The Senate Judiciary Committee held a hearing on December 5 on the following nominations: Callie V. Granade, to be a United States District Judge for the Southern District of Alabama; Marcia S. Krieger, to be a United States District Judge for the District of Colorado; James C. Mahan, to be a United States District Judge for the District of Nevada; Philip R. Martinez, to be a United States District Judge for the Western District of Texas; C. Ashley Royal, to be a United States District Judge for the Middle District of Georgia; and Mauricio J. Tamargo, to be Chair of the Foreign Claims Settlement Commission.
- On December 6, the Senate confirmed the nominations of Harris Hartz, to be a United States Circuit Judge for the Tenth Circuit; Joe Heaton, to be a United States District Judge for the Western District of Oklahoma; and Danny Reeves, to be a United States District Judge for the Eastern District of Kentucky. (Scott-Finan)
- **NextWave:** On December 6, the House Judiciary Subcommittees on Commercial and Administrative Law, and Courts, the Internet and Intellectual Property, held a joint

hearing on the settlement of the NextWave Wireless Licenses. Jay Bybee, Assistant Attorney General for the Office of Legal Counsel, accompanied by Jody Hunt, Counsel to the Deputy Attorney General, testified in support of the settlement. (Wilson)

- **DOJ Oversight:** On December 6, the Attorney General testified before the Senate Judiciary Committee on constitutional issues raised by the Department's actions since September 11, and the implementation of the USA-PATRIOT Act of 2001. (O'Brien)